

JOURNAL OF THE SENATE

NINETIETH SESSION

THIRTIETH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, March 3, 2015

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Fr. Ron Garry, followed by the Pledge of Allegiance led by Senate pages Blaze Jones and Ethan Weinheimer.

Roll Call: All members present except Sen. Lederman who was excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twenty-ninth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

COMMUNICATIONS AND PETITIONS

February 26, 2015

The Honorable Matt Michels
President of the Senate
500 East Capitol Avenue
Pierre, SD 57501-5070

Dear Mr. President and Members of the Senate:

Pursuant to the provisions of Article IV, Section 9, of the Constitution, and subject to your consent, I am honored to inform you that I have appointed Kelly Hepler, Hughes County, Pierre, South Dakota, to the position of Secretary of the Department of Game, Fish, and Parks.

This appointment is effective March 2, 2015.

Sincerely,
Dennis Daugaard
Governor

The President announced the referral of the appointment to the Committee on Agriculture and Natural Resources.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared SB 5, 56, 78, 87, and 88 and finds the same correctly enrolled.

Respectfully submitted,
Corey Brown, Chair

Also MR. PRESIDENT:

The Committee on Appropriations respectfully reports that it has had under consideration HB 1049 and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Appropriations respectfully reports that it has had under consideration HB 1190 and returns the same with the recommendation that said bill be amended as follows:

1 1190ga

2 On page 1, line 7, of the House Appropriations Committee engrossed bill, delete "one
3 dollar (\$1)" and insert "two dollars (\$2)".

4 On page 1, line 8, delete "one dollar (\$1)" and insert "two dollars (\$2)".

5 On page 1, line 13, delete "one dollar (\$1)" and insert "two dollars (\$2)".

6 On page 1, line 14, delete "one dollar (\$1)" and insert "two dollars (\$2)".

7 On page 2, line 5, delete "one dollar (\$1) " and insert "two dollars (\$2)".

8 On page 2, line 6, delete "one dollar (\$1)" and insert "two dollars (\$2)".

9 And that as so amended said bill do pass.

10 Also MR. PRESIDENT:

11 The Committee on Appropriations respectfully reports that it has had under consideration
12 HB 1191 and returns the same with the recommendation that said bill be amended as follows:

13 1191ga

14 On page 1, line 4, of the House engrossed bill, delete "one dollar (\$1)" and insert "two
15 hundred fifty thousand dollars (\$250,000)".

16 And that as so amended said bill do pass.

17 Also MR. PRESIDENT:

18 The Committee on Appropriations respectfully reports that it has had under consideration
19 HB 1092 which was tabled.

20 Respectfully submitted,
21 Deb Peters, Chair

22 Also MR. PRESIDENT:

23 The Committee on Education respectfully reports that it has had under consideration
24 HB 1195 which was deferred to the 41st Legislative Day.

25 Respectfully submitted,
26 Deb Soholt, Chair

1 Also MR. PRESIDENT:

2 The Committee on Agriculture and Natural Resources respectfully reports that it has had
3 under consideration HB 1201 and returns the same with the recommendation that said bill do
4 pass.

5 Also MR. PRESIDENT:

6 The Committee on Agriculture and Natural Resources respectfully reports that it has had
7 under consideration the nomination of Lucas Lentsch of Hughes County, Pierre, South Dakota,
8 to the position of Secretary of the Department of Agriculture and returns the same with the
9 recommendation that the Senate advise and consent to the confirmation of said reappointment.
10 and be placed on the consent calendar.

11 Respectfully submitted,
12 Gary Cammack, Chair

13 Also MR. PRESIDENT:

14 The Committee on Judiciary respectfully reports that it has had under consideration
15 HB 1142 and 1173 and returns the same with the recommendation that said bills do pass.

16 Also MR. PRESIDENT:

17 The Committee on Judiciary respectfully reports that it has had under consideration
18 HB 1082 and returns the same with the recommendation that said bill do pass and be placed on
19 the consent calendar.

20 Also MR. PRESIDENT:

21 The Committee on Judiciary respectfully reports that it has had under consideration
22 HB 1205 which was deferred to the 41st Legislative Day.

23 Respectfully submitted,
24 Craig Tieszen, Chair

25 Also MR. PRESIDENT:

26 The Committee on Commerce and Energy respectfully reports that it has had under
27 consideration HB 1103 and returns the same with the recommendation that said bill be amended
28 as follows:

1 1103rc

2 On page 1, line 8, of the printed bill, delete "or the".

3 On page 1, line 9, delete everything before "but" .

4 And that as so amended said bill do pass.

5 Also MR. PRESIDENT:

6 The Committee on Commerce and Energy respectfully reports that it has had under
7 consideration the nomination of David R. Emery of Pennington County, Rapid City, South
8 Dakota, to the South Dakota Ellsworth Development Authority and returns the same with the
9 recommendation that the Senate advise and consent to the confirmation of said reappointment
10 and that said reappointment be placed on the consent calendar.

11 Also MR. PRESIDENT:

12 The Committee on Commerce and Energy respectfully reports that it has had under
13 consideration the nomination of Pat Costello of Lincoln County, Sioux Falls, South Dakota, to
14 the position of Commissioner of the Governor's Office of Economic Development and returns
15 the same with the recommendation that the Senate advise and consent to the confirmation of
16 said reappointment and that said reappointment be placed on the consent calendar.

17 Also MR. PRESIDENT:

18 The Committee on Commerce and Energy respectfully reports that it has had under
19 consideration the nomination of Marcia Hultman of Hughes County, Pierre, South Dakota, to
20 the position of Secretary of the Department of Labor and Regulation and returns the same with
21 the recommendation that the Senate advise and consent to the confirmation of said
22 reappointment and that said reappointment be placed on the consent calendar.

23 Respectfully submitted,
24 R. Blake Curd, Chair

25 **MESSAGE FROM THE HOUSE**

26 MR. PRESIDENT:

27 I have the honor to return herewith SB 5, 56, 78, 87, and 88 which have passed the House
28 without change.

29 Respectfully,
30 Arlene Kvislen, Chief Clerk

1

MOTIONS AND RESOLUTIONS

2 Sen. Rave moved that HCR 1008 be deferred to Wednesday, March 4, the 31st legislative
3 day.

4 Which motion prevailed.

5 HCR 1009: A CONCURRENT RESOLUTION, Designating 2015 as the "Year of
6 Remembrance for the Centennial Since the Commencement of the Armenian Genocide of 1915-
7 1923" in South Dakota and urging Congress and the President of the United States to formally
8 and consistently recognize and reaffirm the historical truth that the atrocities committed against
9 the Armenian, Greek, and other Christians living in their historical homelands in Anatolia
10 constituted genocide and to work towards equitable, stable, and durable Armenian-Turkish
11 relations and a fair, just, and comprehensive international resolution of this crime against
12 humanity.

13 Was read the second time.

14 Sen. Greenfield (Brock) moved that the Senate do concur in HCR 1009 as found on page
15 512 of the House Journal.

16 Sen. Rave moved that HCR 1009 be laid on the table.

17 The question being on Sen. Rave's motion that HCR 1009 be laid on the table.

18 And the roll being called:

19 Yeas 30, Nays 4, Excused 1, Absent 0

20 Yeas:

21 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
22 Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Novstrup
23 (David); Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Soholt;
24 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

25 Nays:

26 Haggar (Jenna); Monroe; Olson; Rusch

27 Excused:

28 Lederman

29 So the motion having received an affirmative vote of a majority of the members-elect, the
30 President declared the motion carried.

1 Sen. Rave moved that HB 1002, 1047, 1128, and 1080 be placed to follow HB 1145 on
2 today's calendar.

3 Which motion prevailed.

4 **CONSIDERATION OF EXECUTIVE APPOINTMENTS**

5 The Senate proceeded to the consideration of the executive appointment of Steve Emery
6 of Hughes County, Pierre, South Dakota, as the Secretary of the Department of Tribal Affairs.

7 The question being "Does the Senate advise and consent to the executive appointment of
8 Steve Emery pursuant to the executive message as found on page 460 of the Senate Journal?"

9 And the roll being called:

10 Yeas 34, Nays 0, Excused 1, Absent 0

11 Yeas:

12 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
13 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
14 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
15 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
16 White

17 Excused:

18 Lederman

19 So the question having received an affirmative vote of a majority of the members-elect, the
20 President declared the appointment confirmed.

21 The Senate proceeded to the consideration of the executive appointment of Tom Jones of
22 Turner County, Viborg, South Dakota, to the Board of Economic Development.

23 The question being "Does the Senate advise and consent to the executive appointment of
24 Tom Jones pursuant to the executive message as found on page 484 of the Senate Journal?"

25 And the roll being called:

26 Yeas 34, Nays 0, Excused 1, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
3 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
4 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
5 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
6 White

7 Excused:

8 Lederman

9 So the question having received an affirmative vote of a majority of the members-elect, the
10 President declared the appointment confirmed.

11 The Senate proceeded to the consideration of the executive reappointment of Darin
12 Berquist of Hughes County, Pierre, South Dakota, as the Secretary of the Department of
13 Transportation.

14 The question being "Does the Senate advise and consent to the executive reappointment
15 of Darin Berquist pursuant to the executive message as found on page 461 of the Senate
16 Journal?"

17 And the roll being called:

18 Yeas 34, Nays 0, Excused 1, Absent 0

19 Yeas:

20 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
21 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
22 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
23 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
24 White

25 Excused:

26 Lederman

27 So the question having received an affirmative vote of a majority of the members-elect, the
28 President declared the reappointment confirmed.

29 **CONSIDERATION OF EXECUTIVE APPOINTMENT CONSENT CALENDAR**

30 The Senate proceeded to the consideration of the executive reappointment of James Hagen
31 of Hughes County, Pierre, South Dakota, as the Secretary of the Department of Tourism.

1 The question being "Does the Senate advise and consent to the executive reappointment
2 of James Hagen pursuant to the executive message as found on page 462 of the Senate Journal?"

3 And the roll being called:

4 Yeas 34, Nays 0, Excused 1, Absent 0

5 Yeas:

6 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
7 Haggart (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
8 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
9 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
10 White

11 Excused:

12 Lederman

13 So the question having received an affirmative vote of a majority of the members-elect, the
14 President declared the reappointment confirmed.

15 **SECOND READING OF CONSENT CALENDAR BILLS AND RESOLUTIONS**

16 HB 1139: FOR AN ACT ENTITLED, An Act to revise certain procedures for competitive
17 sealed bids by public purchasing agencies.

18 Was read the second time.

19 The question being "Shall HB 1139 pass as amended?"

20 And the roll being called:

21 Yeas 34, Nays 0, Excused 1, Absent 0

22 Yeas:

23 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
24 Haggart (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
25 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
26 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
27 White

28 Excused:

29 Lederman

30 So the bill having received an affirmative vote of a majority of the members-elect, the
31 President declared the bill passed and the title was agreed to.

1 HB 1165: FOR AN ACT ENTITLED, An Act to revise the composition requirement of
2 the Historic Preservation Commission.

3 Was read the second time.

4 The question being "Shall HB 1165 pass?"

5 And the roll being called:

6 Yeas 34, Nays 0, Excused 1, Absent 0

7 Yeas:

8 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
9 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
10 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
11 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
12 White

13 Excused:

14 Lederman

15 So the bill having received an affirmative vote of a majority of the members-elect, the
16 President declared the bill passed and the title was agreed to.

17 HB 1031: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding former
18 state-owned rail lines.

19 Was read the second time.

20 The question being "Shall HB 1031 pass?"

21 And the roll being called:

22 Yeas 34, Nays 0, Excused 1, Absent 0

23 Yeas:

24 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
25 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
26 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
27 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
28 White

29 Excused:

30 Lederman

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 HB 1064: FOR AN ACT ENTITLED, An Act to prohibit unlawful self-dealing by state
4 officers and employees.

5 Was read the second time.

6 The question being "Shall HB 1064 pass as amended?"

7 And the roll being called:

8 Yeas 34, Nays 0, Excused 1, Absent 0

9 Yeas:

10 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
11 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
12 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
13 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
14 White

15 Excused:

16 Lederman

17 So the bill having received an affirmative vote of a majority of the members-elect, the
18 President declared the bill passed and the title was agreed to.

19 HB 1144: FOR AN ACT ENTITLED, An Act to repeal and revise certain unnecessary and
20 outdated provisions related to state affairs and government.

21 Was read the second time.

22 The question being "Shall HB 1144 pass?"

23 And the roll being called:

24 Yeas 34, Nays 0, Excused 1, Absent 0

25 Yeas:

26 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
27 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
28 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
29 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
30 White

1 Excused:
2 Lederman

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 President declared the bill passed and the title was agreed to.

5 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

6 HB 1042: FOR AN ACT ENTITLED, An Act to authorize the Department of Public Safety
7 to construct offices in Butte County and Roberts County, to make an appropriation therefor, and
8 to declare an emergency.

9 Was read the second time.

10 The question being "Shall HB 1042 pass?"

11 And the roll being called:

12 Yeas 34, Nays 0, Excused 1, Absent 0

13 Yeas:
14 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
15 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
16 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
17 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
18 White

19 Excused:
20 Lederman

21 So the bill having received an affirmative vote of a two-thirds majority of the members-
22 elect, the President declared the bill passed and the title was agreed to.

23 HB 1048: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding state
24 hosting and employee reimbursement policies.

25 Was read the second time.

26 The question being "Shall HB 1048 pass?"

27 And the roll being called:

28 Yeas 33, Nays 1, Excused 1, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
3 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
4 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
5 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; White

6 Nays:

7 Van Gerpen

8 Excused:

9 Lederman

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 HB 1050: FOR AN ACT ENTITLED, An Act to repeal certain funds, to make revisions
13 to receipts dedicated to the property tax reduction fund, and to create the general revenue
14 replacement fund.

15 Was read the second time.

16 1050ma

17 Sen. Peters moved that HB 1050 be amended as follows:

18 On page 6, line 10, of the printed bill, after "year" insert "including any outstanding balance
19 on repayments due to the budget reserve fund pursuant to a legislative act".

20 Which motion prevailed.

21 The question being "Shall HB 1050 pass as amended?"

22 And the roll being called:

23 Yeas 34, Nays 0, Excused 1, Absent 0

24 Yeas:

25 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
26 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
27 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
28 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
29 White

30 Excused:

31 Lederman

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 HB 1030: FOR AN ACT ENTITLED, An Act to provide certain restrictions regarding the
4 passing of a bicycle.

5 Was read the second time.

6 1030fb

7 Sen. Omdahl moved that HB 1030 be further amended as follows:

8 On page 1, line 14, of the House Transportation Committee engrossed bill, after "bicycle."
9 Insert "The provisions of this section do not apply to any highway outside the incorporated
10 boundaries of a municipality unless the highway has been designated for bicycle travel pursuant
11 to section 2 of this Act."

12 On page 1, after line 14, insert:

13 "Section 2. The Transportation Commission or board of county commissioners may
14 designate a highway that may be used for bicycle travel. The highway may only be designated
15 for bicycle travel if there is sufficient lane width in the highway to provide the separation
16 distance required by section 1 of this Act. The commission or board shall identify the beginning
17 and end point of the highway designated for bicycle travel. Signs shall be posted on the highway
18 designated for bicycle travel to notify the motoring public of the beginning and end point and
19 at regular intervals along the designated highway."

20 Which motion lost.

21 The question being "Shall HB 1030 pass as amended?"

22 And the roll being called:

23 Yeas 27, Nays 7, Excused 1, Absent 0

24 Yeas:

25 Bradford; Buhl O'Donnell; Cammack; Curd; Frerichs; Haggar (Jenna); Haverly; Heineman
26 (Phyllis); Heinert; Holien; Hunhoff (Bernie); Monroe; Novstrup (David); Otten (Ernie); Parsley;
27 Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen;
28 Van Gerpen; Vehle

29 Nays:

30 Brown; Ewing; Greenfield (Brock); Jensen (Phil); Olson; Omdahl; White

31 Excused:

32 Lederman

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 HB 1124: FOR AN ACT ENTITLED, An Act to authorize motor vehicles to exceed the
4 posted speed limit under certain conditions.

5 Was read the second time.

6 The question being "Shall HB 1124 pass as amended?"

7 And the roll being called:

8 Yeas 34, Nays 0, Excused 1, Absent 0

9 Yeas:

10 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
11 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
12 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
13 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
14 White

15 Excused:

16 Lederman

17 So the bill having received an affirmative vote of a majority of the members-elect, the
18 President declared the bill passed and the title was agreed to.

19 HB 1177: FOR AN ACT ENTITLED, An Act to remove certain exceptions to campaign
20 finance report filings.

21 Was read the second time.

22 The question being "Shall HB 1177 pass as amended?"

23 And the roll being called:

24 Yeas 30, Nays 4, Excused 1, Absent 0

25 Yeas:

26 Brown; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly;
27 Heineman (Phyllis); Holien; Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten
28 (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton;
29 Tidemann; Tieszen; Van Gerpen; Vehle; White

30 Nays:

31 Bradford; Buhl O'Donnell; Heinert; Hunhoff (Bernie)

1 Excused:
2 Lederman

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 President declared the bill passed and the title was agreed to.

5 HB 1072: FOR AN ACT ENTITLED, An Act to provide that certain information regarding
6 postsecondary technical institutes be given to parents and guardians of students in middle
7 schools and high schools.

8 Was read the second time.

9 The question being "Shall HB 1072 pass as amended?"

10 And the roll being called:

11 Yeas 34, Nays 0, Excused 1, Absent 0

12 Yeas:
13 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
14 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
15 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
16 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
17 White

18 Excused:
19 Lederman

20 So the bill having received an affirmative vote of a majority of the members-elect, the
21 President declared the bill passed and the title was agreed to.

22 HB 1073: FOR AN ACT ENTITLED, An Act to require a sex offender to report a change
23 in vehicle status to law enforcement.

24 Was read the second time.

25 The question being "Shall HB 1073 pass as amended?"

26 And the roll being called:

27 Yeas 34, Nays 0, Excused 1, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
3 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
4 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
5 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
6 White

7 Excused:

8 Lederman

9 So the bill having received an affirmative vote of a majority of the members-elect, the
10 President declared the bill passed and the title was agreed to.

11 HB 1134: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
12 expungement of arrest records.

13 Was read the second time.

14 1134ja

15 Sen. Rusch moved that HB 1134 be amended as follows:

16 On page 1, line 8 of the printed bill, delete everything after "~~attorney~~" and insert "~~at any~~
17 ~~time after~~ After one year from the date the prosecuting".

18 On page 1, after line 10, insert:

19 "Section 2. That § 23A-3-30 be amended to read as follows:

20 23A-3-30. The court may enter an order of expungement ~~if satisfied~~ upon a showing by the
21 defendant or the arrested person by clear and convincing evidence that the ends of justice and
22 the best interest of the public as well as the defendant or the arrested person will be served by
23 the entry of the order."

24 Which motion prevailed.

25 The question being "Shall HB 1134 pass as amended?"

26 And the roll being called:

27 Yeas 33, Nays 1, Excused 1, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
3 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
4 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
5 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; White

6 Nays:

7 Vehle

8 Excused:

9 Lederman

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 HB 1013: FOR AN ACT ENTITLED, An Act to revise certain provisions related to social
13 work licensure.

14 Was read the second time.

15 The question being "Shall HB 1013 pass as amended?"

16 And the roll being called:

17 Yeas 29, Nays 5, Excused 1, Absent 0

18 Yeas:

19 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
20 Haverly; Heineman (Phyllis); Heinert; Hunhoff (Bernie); Novstrup (David); Olson; Otten
21 (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton;
22 Tidemann; Tieszen; Van Gerpen; Vehle; White

23 Nays:

24 Haggar (Jenna); Holien; Jensen (Phil); Monroe; Omdahl

25 Excused:

26 Lederman

27 So the bill having received an affirmative vote of a majority of the members-elect, the
28 President declared the bill passed and the title was agreed to.

29 HB 1058: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
30 contagious disease control quarantine measures.

31 Was read the second time.

1 The question being "Shall HB 1058 pass as amended?"

2 And the roll being called:

3 Yeas 29, Nays 5, Excused 1, Absent 0

4 Yeas:

5 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haverly; Heineman
6 (Phyllis); Heinert; Hunhoff (Bernie); Monroe; Novstrup (David); Omdahl; Otten (Ernie);
7 Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann;
8 Tieszen; Van Gerpen; Vehle; White

9 Nays:

10 Greenfield (Brock); Haggar (Jenna); Holien; Jensen (Phil); Olson

11 Excused:

12 Lederman

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 President declared the bill passed and the title was agreed to.

15 Sen. Rave moved that HB 1059, 1145, 1002, 1047, 1128, and 1080 be deferred to
16 Wednesday, March 4, the 31st legislative day.

17 Which motion prevailed.

18 There being no objection, the Senate reverted to Order of Business No. 7.

19 **MESSAGE FROM THE HOUSE**

20 MR. PRESIDENT:

21 I have the honor to inform your honorable body that SB 89 was lost on second reading and
22 final passage.

23 Respectfully,
24 Arlene Kvislen, Chief Clerk

SIGNING OF BILLS

The President publicly read the title to

SB 5: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the assessment and taxation of real property.

SB 56: FOR AN ACT ENTITLED, An Act to provide direction regarding the calculation of adjusted gross proceeds for the purpose of calculating the gaming tax.

SB 78: FOR AN ACT ENTITLED, An Act to authorize counties or medical providers to recover inmate healthcare costs from insurers.

SB 87: FOR AN ACT ENTITLED, An Act to revise the circumstances creating a vacancy in municipal office.

SB 88: FOR AN ACT ENTITLED, An Act to authorize emergency appointments to the municipal election board.

HB 1029: FOR AN ACT ENTITLED, An Act to revise certain requirements regarding high performance building design and construction standards for newly constructed or renovated state-owned buildings.

HB 1043: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete provisions regarding the Department of Education.

HB 1060: FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse certain family physicians, dentists, physician assistants, and nurse practitioners who have complied with the requirements of the recruitment assistance program and to declare an emergency.

HB 1081: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding county officials and the board of county commissioners.

HB 1089: FOR AN ACT ENTITLED, An Act to ban the practice of female genital mutilation in the state, to provide a penalty therefor, and to declare an emergency.

HB 1090: FOR AN ACT ENTITLED, An Act to prohibit a person from serving as a member of a consumers power district board of directors in certain cases.

HB 1101: FOR AN ACT ENTITLED, An Act to ensure local control over curriculum and methods of instruction.

HB 1102: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the regulation of licensing massage therapists.

1 HB 1105: FOR AN ACT ENTITLED, An Act to provide for an affidavit creating a
2 rebuttable presumption that a person is not an employee for purposes of workers' compensation
3 and to provide a penalty therefor.

4 HB 1106: FOR AN ACT ENTITLED, An Act to establish the rights of municipal, county,
5 or township officers in certain decision-making processes.

6 HB 1121: FOR AN ACT ENTITLED, An Act to authorize township boards to establish
7 speed zones on township roads.

8 HB 1125: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
9 notice for meeting of public bodies.

10 HB 1135: FOR AN ACT ENTITLED, An Act to expand certain bonding provisions
11 regarding local government officials and employees.

12 HB 1151: FOR AN ACT ENTITLED, An Act to improve public safety through
13 confidential stress management services for emergency service providers.

14 HB 1189: FOR AN ACT ENTITLED, An Act to make an appropriation to fund tax refunds
15 for elderly persons and persons with a disability and to declare an emergency.

16 HB 1229: FOR AN ACT ENTITLED, An Act to revise provisions related to the release
17 of medical waste.

18 HJR 1003: A JOINT RESOLUTION, Proposing and submitting to the electors at the next
19 general election an amendment to Article XIV of the Constitution of the State of South Dakota,
20 relating to the authority of the Board of Regents.

21 And signed the same in the presence of the Senate.

22 Sen. Olson moved that the Senate do now adjourn, which motion prevailed and at
23 4:19 p.m. the Senate adjourned.

24 Kay Johnson, Secretary

